

Self-Service Center
**PROCEDURES: WHEN AND HOW TO FILE
PETITION FOR APPROVAL OF ANNUAL ACCOUNTING,
AND APPROVAL OF FEES (if applicable)**

WHEN TO FILE THE PETITION FOR APPROVAL OF ANNUAL ACCOUNTING OR FEES. Follow the instructions below to find out what forms you need to complete and how often you must do so.

- A. Petition for Approval of Accounting:** Every year, (*pursuant to A.R.S. 14-5419 and Local Rules of Practice for Maricopa County, Rule 5.16*), the conservator must file a Petition to ask the court to approve how money was managed for the **Protected Person**. *The accounting is due within ninety (90) days of the closing date of the accounting period, unless otherwise ordered by the Court.* To help you complete the Petition you should read and follow the ACCOUNTING GUIDELINES in this packet.
- B. Fee Statement:** Every year, if the conservator or anyone else is charging fees to the estate of the **Protected Person**. The Petition must also include a request for approval of the FEE STATEMENT, and attach a copy of the FEE STATEMENT. See the Fiduciary Fee Guidelines included in this packet to help you with this, if you are not sure.
- C. Estate Management Plan:** Every year that you are required to file an Accounting, you **must** also file an Estate Management Plan.
- D. Annual Report of Guardian:** Every year, if you as the conservator are also guardian for the person, you **must** file the ANNUAL REPORT OF THE GUARDIAN at the same time you file the Petition for Approval. See the Self-Service Packet called ANNUAL REPORT OF THE GUARDIAN.

HOW TO FILE THE PETITION FOR APPROVAL OF ANNUAL ACCOUNTING OR FEES.

STEP 1 COMPLETE THE PETITION FOR APPROVAL OF ACCOUNTING AND/OR FEES:

Complete the Petition, the Accounting and the Account Summary. If you are claiming fees, you must also complete the FEE STATEMENT.

STEP 2 COPIES. Make copies of **all** of the documents: one set for you, one set for the Court Accountant, and one set for each of the interested parties. ***YOU MUST ATTACH FINANCIAL STATEMENT COPIES RECONCILING THE ENDING BANK AND INVESTMENT ACCOUNT BALANCES TO THE COPY OF THE ACCOUNTING THAT WILL BE GIVEN TO THE COURT ACCOUNTANT. These copies will be kept secure and confidential. DO NOT ATTACH OR FILE ANY FINANCIAL STATEMENTS WITH THE ORIGINAL ACCOUNTING FILED WITH THE PROBATE CLERK.***

STEP 3 FILE THE DOCUMENTS WITH THE COURT: Follow carefully the following steps:

- File the **original accounting** with the Probate Clerk of Court. Go to the same court location where your case is pending (Phoenix or Mesa).
- Bring the extra copies of the Petition, the Accounting, the Estate Management Plan and the Fee Statement (if applicable) for the Clerk to conform (date-stamp).

The Probate Clerk of the Court will file the original and deliver a copy to Court Accountant. The Probate Clerk will give the copies for you and the other interested parties back.

- If you cannot or do not want to file the copies in person, you can also mail the documents to the Probate Clerk at the same location where your case is pending. Include a self-addressed stamped envelope so that the Clerk can return your conformed copies to you.

YOU MUST PROVIDE AN ORIGINAL AND 2 COPIES OF THE "COURT ORDER REGARDING PETITION FOR APPROVAL OF ACCOUNTING" TO THE COURT ACCOUNTANTS FOR REVIEW, ALONG WITH THE COPY OF THE ACCOUNTING AND FINANCIAL STATEMENT COPIES INTENDED FOR THE COURT ACCOUNTANT.

FEES: When you file the Petition for Approval, you will be required to pay \$250.00 for the review of the court papers by the Court Accountant. If the estate cannot afford this expense, ask the Probate Clerk of Court for the papers to have the fee deferred by the Court.

After the Court Accountant completes a review of your case, you will receive a written notice from the Court. You will receive one of two possible notices:

Notice 1: You will be asked to file a **Response to the Court Accountant Report** if the Court Accountant has concerns about the report. If you are required to file a Response to the Court Accountant Report, you must send a copy of the Response to Court Accountant Report to the same people entitled to receive the NOTICE OF HEARING (notice is explained below). Bring the **original plus at least three (3) copies** to the Probate Clerk of the Court for filing and distribution of copies in the same manner explained above.

OR

Notice 2: If the Court Accountant does not have concerns and recommends approval of your Accounting, the Court will set a non-appearance hearing and will notify you by mail of the date, time, place, and the Judge/Commissioner assigned to your case for the non-appearance hearing. In some cases, the Court may set a hearing and require you to file a **Response to Court Accountant Report**.

STEP 4 GIVE NOTICE OF THE "NON-APPEARANCE" HEARING TO EVERYONE

ENTITLED TO NOTICE: After you receive the information about the date, time, and place of the "non-appearance" hearing, you must NOTICE OF HEARING and a copy of the Accounting by mail or delivery to all interested persons. Be sure that you do this at least **14 days** before the hearing. For more information about notice, see the Self-Service Center packet about Giving Notice to the Parties. If mailing the Notice, first class postage-prepaid mail is sufficient. Certified or Registered mail with return receipt is an extra step you can take to prove that the person you wanted to have notice actually did get the notice.

The people you should give notice to are:

- All ward(s) (protected person(s)). This includes a minor if he or she is 14 years or older.
- The guardian, if the person has one, **unless** it is the same person as the conservator;
- If there is no guardian or if the guardian is also the conservator, then to the spouse.
- If the spouse is the conservator or is incapacitated, then to a parent or adult child who is not serving as conservator;
- The guardian ad litem if one was appointed by the court;
- The court-appointed attorney.

STEP 5 Complete and file other court papers: Complete the PROOF OF NOTICE stating how and when you gave notice to interested persons. Make **2 extra copies** of each of the following documents. Then file the originals with the Probate Clerk of Court, and get the conformed copies back from the Clerk.

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|---|---------------|---------------------------|
| • Notice of Hearing | File original | Get back 2 stamped copies |
| • Proof of Notice | File original | Get back 2 stamped copies |
| • Waiver of Notice
(if signed by interested parties) | File original | Get back 2 stamped copies |

STEP 6 Give copies of everything to the Judge/Commissioner: At least **10 days** before your non-appearance hearing, **mail or hand-deliver** the following documents to the Judge/Commissioner who is hearing your case. All the copies must be the ones that you had conformed by the Clerk of Court when you filed the original:

- **Copy** of NOTICE OF HEARING
- **Copy** of PROOF OF NOTICE
- **Original and 2 copies** of the ORDER REGARDING PETITION FOR APPROVAL OF ACCOUNTING, **AND**
- **Copy** of the PETITION FOR APPROVAL OF ANNUAL ACCOUNTING.

You do not need to come to the “non-appearance” hearing. The purpose of a “non appearance” hearing is to give persons who object to the paperwork the opportunity to let the Judge/Commissioner know they have an objection. So, if someone shows up at the scheduled “non appearance hearing”, the Court will reset the hearing for a new date, time and place. You will get notice of the new hearing date in the mail from the Court. If you receive a new hearing date, you must go to the hearing.

Court approval of the Annual Accounting and fees is required. At or after the “non-appearance” hearing date, the Judge/Commissioner will decide whether to approve the petition, or ask you to give additional information. If the petition is not approved, be sure to follow the instructions on the court order you receive from the Judge/Commissioner.

OTHER HELP: If you still have questions about this procedure, you can ask a lawyer for legal advice. You can look up a lawyer in the telephone book under “attorneys”. Also, the Self-Service Center has a list of lawyers who will help you help yourself.